

ITEM 7-C

HISTORICAL ADVISORY BOARD AGENDA REPORT

DATE: October 4, 2012

TO: HONORABLE CHAIR AND MEMBERS OF THE
HISTORICAL ADVISORY BOARD

FROM: Andrew Thomas, Acting City Planner
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APPLICATION: **Historical Preservation Ordinance Revision** Review of process to amend the Historical Preservation Ordinance and begin discussion of sections of the ordinance. No final action will be taken at this meeting.

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BACKGROUND

During the past several years a sub-committee of the Historic Advisory Board (HAB) has been working on a comprehensive update of the ordinances regulating historic preservation in Alameda. The full Board reviewed a draft document in December, 2011 and provided comments for further consideration by the subcommittee.

Unfortunately, the ordinance revisions have been on hold since early 2012 due to limited staff resources. Staff is now able to resume work on the zoning ordinance amendment.

This report outlines a proposed process to complete the Historic Preservation Ordinance revision and makes a number of recommendations regarding the proposed revisions to the Purpose section.

ANALYSIS

A. Process Recommendations for Completing the Historic Preservation Ordinance Revisions

The Historic Advisory Board received a draft Historic Preservation Ordinance prepared by a sub-committee of the Historic Advisory Board (HAB) at the December 1, 2011

meeting. The Board provided comments, as did various members of the public, and continued the item for further discussion to the February, 2012 meeting. Attached to this report is the most recent version of the subcommittee document labeled Draft Historic Preservation Ordinance, December 2011 (Attachment 1). Also attached are the minutes of the December 1, 2011 meeting.

The Historic Advisory Board subcommittee had expended a great deal of time and effort over many years developing a number of ordinance amendments. Staff is committed to completing this work; however, City resources remain extremely limited. The following process recommendations are designed to finish the work as quickly and efficiently as possible given the fact that none of the prior staff members that worked on the original draft documents are available to finish the work.

1. Commit time on each month on the Historic Advisory Board Agenda for review of the work completed during the month. To effectively complete a draft ordinance for recommendation to the City Council, staff must ensure that the entire community is involved and aware of the proposed changes being considered. Interested parties include property and home owners as well as the Alameda Architectural Preservation Society, the Park Street Business Association, the West Alameda Business Association, tenants and property managers within the Alameda Point Historic District buildings, and others. Regular agenzized discussions on the Historic Advisory Board monthly meetings provide a convenient venue for all members of the community to monitor and engage in the discussion of the proposed changes. During the time between the monthly meetings, staff will work to incorporate changes to the draft documents recommended by the Board and prepare new sections for public review at the next Board meeting.
2. Use of a "Strike Out/Underline" format. The City of Alameda has an existing Historic Preservation Ordinance, which is part of the Alameda Municipal Code. The staff, the community, the City Attorney and the City Council must be able to easily understand what is being proposed for deletion from the Municipal Code and what is being proposed for addition from the Municipal Code. The standard practice and format for Municipal Code amendments is the use of a "strike out and underline" format. Sentences that are being proposed for deletion are shown in a strikeouts format. Sentences that being proposed for addition are shown in an underline format. Staff is required to maintain and provide a strike-out and underline version of the proposed revisions for review by the public and the decision makers. Staff is recommending that from this point on, all work on the ordinance revisions will be prepared in a strike out and underline format.
3. Schedule: Staff is not sure how long the update process will take, but staff is committed to working diligently with the Board and the community on a monthly basis to complete this ordinance amendment process, including City Council hearings and adoption. Staff recommends that the Board set a goal of completing proposed revisions to one or more sections of the ordinance at each monthly meeting. Some sections might not require much discussion; others will generate significant public discussion and debate. This process will allow the HAB and the

public to focus their review and comments on a limited area of the ordinance at each meeting. This process will also allow the HAB and the public to systematically work through the entire ordinance, month by month, until all the sections are complete. The following list displays the eight different sections of the existing Historic Preservation Ordinance. Staff would like to complete the discussion and review of the first section (Section 13-21.1 Purpose) at the October 4th Meeting. If the Board can complete two to three of the remaining sections each month, the draft ordinance revisions could be ready to share with the Economic Development Commission & Planning Board in three to four months, followed by the City Council for final review.

ARTICLE VII. - HISTORICAL PRESERVATION

13-21 - PRESERVATION OF HISTORICAL AND CULTURAL RESOURCES

13-21.1 - Purpose.

13-21.2 - Definitions.

13-21.3 - Duties of the Historical Advisory Board.

13-21.4 - Procedure for Designation of Historical Monuments.

13-21.5 - Procedure for Preservation of Historical and Cultural Monuments.

13-21.6 - Designation of Historic Signs.

13-21.7 - Interim Review.

13-21.8 - Acquisition of Property and Money Restricted.

13-21.9 - Applicability of State Code(s).

13-21.10 - Penalties.

B. Ordinance Revisions: Section 13-21.1 Purpose

The December 2011 Subcommittee Draft proposed a new purpose section to replace the existing purpose section of the Ordinance. The existing Ordinance purpose section is shown in strikethrough format. The new purpose section is shown below in underline format.

13-21.1 – Purpose. (Existing Municipal Code Language)

~~The purpose of this section is to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as visible reminders of the history and cultural heritage of the City, State or Nation. Furthermore, it is the purpose of this chapter to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new buildings and developments that will be harmonious with the existing buildings and neighborhoods.~~

~~(Ord. No. 2898 N.S. § 5)~~

13-21.1 – Purpose. (December 2011 Subcommittee Draft Proposed Language)

The purpose of this legislation is to promote the education, safety and general welfare of the citizens of the City by:

A. Recognition and protection of Historic and Cultural Resources: The recognition, protection, enhancement, perpetuation and use of historical-cultural structures, sites,

parks, landscaping, streets, signs, markers, protected trees, lamp standards, and neighborhoods that are reminders of past eras, events and persons important to local, state or national history, or that provide distinctive examples of architectural styles of the past, or that are unique and irreplaceable assets to the City;

- B.** Fostering of civic pride: The fostering of civic pride in the beauty and character of the city and in its past accomplishments;
- C.** Enhancement of City character: The enhancement of the visual character of the City by encouraging new design and construction that complements the City's historic buildings and districts.
- D.** Enhancement of property values: The enhancement of property values, the stabilization of neighborhoods, and the increase of economic and financial benefits to the City and its inhabitants through promotion of Heritage Tourism;
- E.** Identification and resolution of conflicts between preservation and land use: The early identification and resolution of conflicts between the preservation of Landmarks, Historic Districts, and Historical-Cultural Resources and proposed alternative land uses.

Staff has reviewed the proposed revisions and has the following three issues for Historic Advisory Board discussion and consideration.

Issue #1: Economic Development: The December 2011 purpose section deletes economic development and the economic welfare of the community from the ordinance objectives. From staff's perspective, the Historic Preservation Ordinance should support the economic welfare of the community and should avoid procedures or requirements that conflict with the community's economic development goals and objectives.

Staff recommends that economic development objective be reinstated by added a new subsection that reads as follows:

Support and Enhance the Economic Development of the Community: The establishment and implementation of regulations and procedures that protect the historic character of the built environment and support and enhance the economic development of the community.

Issue #2: Design Review: The design of new buildings is governed by the Design Review Ordinance. The Planning Board is the Board designated by the Municipal Code to administer the Design Review Ordinance. Subsection C as proposed by the December draft reads as follows:

Enhancement of City character: The enhancement of the visual character of the City by encouraging new design and construction that complements the City's historic buildings and districts.

This language implies that the Historic Preservation Ordinance will govern “new design and construction” of buildings that are not historic buildings or in historic districts. This would seem to be in direct conflict with the Design Review Ordinance.

Staff recommends that the City of Alameda maintain clear and efficient regulations that can be cost-effectively administered and followed by the City, general public and property owners. Clear and efficient regulations are also essential to the City’s ability to attract and encourage private re-investment in existing buildings and blighted properties. Overlapping and redundant regulations and review procedures are counterproductive and costly to administer. Revisions to the Historic Preservation Ordinance should acknowledge that City resources are limited and that confusing and difficult to administer regulations will not support the other stated purposes of the ordinance.

Issue #3: Land Use: The new purpose section includes subsection E that is not clear to staff. A good ordinance should be understandable to everyone, especially staff who will need to implement. Subsection E reads as follows:

- E. “Identification and resolution of conflicts between preservation and land use: The early identification and resolution of conflicts between the preservation of Landmarks, Historic Districts, and Historical-Cultural Resources and proposed alternative land uses”.

The Zoning Ordinance governs land use. The Planning Board is the Board authorized by the Municipal Code to administer the Zoning Ordinance. Land uses change over time. New uses often occupy existing buildings. Existing buildings can be modified to accommodate new uses in a manner that preserves the architectural and historic character defining features of the building. Staff recommends that Subsection C and E from the December draft be deleted and replaced by a new subsection that reads as follows:

- C. Enhancement of City character: The enhancement of the visual character of the City by encouraging new design and construction that complements the City’s historic buildings and districts.
- E. Identification and resolution of conflicts between preservation and land use: The early identification and resolution of conflicts between the preservation of Landmarks, Historic Districts, and Historical-Cultural Resources and proposed alternative land uses”.

Enhancement of City character: The enhancement of the visual character of the City by encouraging the maintenance and improvement of historic resources, structures and districts consistent with the Secretary of Interior Standards for Rehabilitation.

RECOMMENDATION

1. Endorse the October 4, 2012 Recommended Purpose Section that reads as follows:

13-21.1 – Purpose. (October 4, 2012 Proposed Language)

The purpose of this legislation is to promote the education, safety and general welfare of the citizens of the City by:

- A. Recognition and protection of Historic and Cultural Resources: The recognition, protection, enhancement, perpetuation and use of historical-cultural structures, sites, parks, landscaping, streets, signs, markers, protected trees, lamp standards, and neighborhoods that are reminders of past eras, events and persons important to local, state or national history, or that provide distinctive examples of architectural styles of the past, or that are unique and irreplaceable assets to the City;*
- B. Fostering of civic pride: The fostering of civic pride in the beauty and character of the city and in its past accomplishments;*
- C. Enhancement of City character: The enhancement of the visual character of the City by encouraging the maintenance and improvement of historic resources, structures and districts consistent with the Secretary of Interior Standards for Rehabilitation.*
- D. Enhancement of property values: The enhancement of property values, the stabilization of neighborhoods, and the increase of economic and financial benefits to the City and its inhabitants through promotion of Heritage Tourism;*
- E. Support and Enhance the Economic Development of the Community: The establishment and implementation of regulations and procedures that protect the historic character of the built environment and support and enhance the economic development of the community.*

2. Direct staff to return to the December Historic Advisory Board meeting with two or three sections for consideration and endorsement.

RESPECTFULLY SUBMITTED BY:

BARBARA MEERJANS
PLANNER

ANDREW THOMAS, AICP
ACTING CITY PLANNER

Attachment(s):

1. Attachment 1, Draft Historic Preservation Ordinance, February, 2012
2. Attachment 2, HAB minutes, 12/1/2011